

REMARKS

Claims 1-10 are pending in the application. Claims 1-10 stand rejected. Claim 1 has been amended to limit the protonated amine monomer units to 5 to 40 mole percent, and the hydrophobic monomer units to at least 60 mole percent. Support for these amendments are found at p. 4, next to last paragraph, and p. 5, last paragraph of the Description. Accordingly, no new matter is added with this amendment.

Reply to the Rejection of Claims 1-10 under 35 U.S.C. § 102(b) and 103(a)

The Examiner has rejected Claims 1-10 as being anticipated by U.S. Patent No. 4,708,870 to Pardini ("Pardini"). The Examiner has also rejected Claims 1-10 as being unpatentable over Pardini. For the following reasons, Applicants respectfully traverse the Examiner's rejection of claims 1-10 as being anticipated or rendered obvious by Pardini.

Pardini teaches a method for imparting non-fugitive antimicrobial activity to an article of manufacturing by forming the articles of manufacture from an acrylonitrile composition that includes up to 10% of a protonated amine (Abstract). The antimicrobial activity is inherent in the acrylonitrile composition (Abstract).

Claim 1 of Pardini states that the polymeric acrylonitrile composition comprises at least 85% by weight acrylonitrile and up to about 13% by weight of a neutral ethylenically unsaturated monomer, in addition to the "up to 10% of a protonated amine". The lowest molecular weight protonated amine is dimethyl aminoethyl methacrylate(DEAM, as the HCL salt). Therefore, as illustrated below, the maximum amount of protonate amine taught by Pardini is 3 mole % -

MONOMER	Mol. Wt. (g/mol)	Wt%	Moles	Mole %
Acrylonitrile	56	85 (min)	1.51	93.3
DEAM	193.5	10 (max)	0.05	3
Methylacrylate (MA)	86	5	0.058	

Claim 1 of the present invention has been amended to be directed towards a polymer film formed from 5 to 40 mole percent of protonated amine monomer units. Accordingly, Pardini cannot be said to anticipate the presently claimed invention. Further, Pardini specifically limits the amount of protonated amine to no more than 10%, or 3 mole %, in order to achieve the antimicrobial activity. Therefore, Pardini provides no motivation to one skilled in the art to seek compositions


having from 5 to 40 mole percent of protonated amine monomer units, and the burden remains with the Examiner to prove otherwise.

For at least these reasons, claims 1-10 are not anticipated or rendered obvious by Pardini. Withdrawal, therefore, of the rejection of claims 1-10 under 35 U.S.C. §§ 102(b) and 103(a) are respectfully requested. Allowance of the claims is believed to be in order, and such allowance is respectfully requested.

Respectfully submitted,

Dated: 29 March 2007

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